

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 159

Introduced by ~~Senator Simitian~~ *Senators Simitian and Ashburn*

February 14, 2009

An act to amend Section 21809 of, and to amend and repeal Section 25253 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 159, as amended, Simitian. Vehicles: emergency vehicles.

(1) Existing law requires a person driving a vehicle on a freeway approaching a stationary authorized emergency vehicle displaying emergency lights, or a stationary tow truck that is displaying flashing amber warning lights to approach with due caution and, before passing in a lane immediately adjacent to the authorized emergency vehicle or tow truck, to either change lanes or slow to a reasonable and prudent speed, absent any other direction by a peace officer. This provision is repealed on January 1, 2010. A violation of this provision is an infraction.

This bill would delete the repeal date. Because this bill would extend a criminal violation indefinitely, the bill would impose a state-mandated local program.

(2) Existing law requires tow trucks used to tow disabled vehicles to be equipped with flashing amber warning lamps, and authorizes tow trucks to display flashing amber warning lamps while providing service to a disabled vehicle. Existing law prohibits a tow truck from displaying flashing amber warning lamps on a freeway except when an unusual traffic hazard or extreme hazard exists. This provision is repealed on January 1, 2010. A violation of this provision is a crime.

This bill would delete the repeal date. Because this bill would extend a criminal violation indefinitely, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21809 of the Vehicle Code is amended
2 to read:

3 21809. (a) A person driving a vehicle on a freeway
4 approaching a stationary authorized emergency vehicle that is
5 displaying emergency lights, or a stationary tow truck that is
6 displaying flashing amber warning lights, shall approach with due
7 caution and, before passing in a lane immediately adjacent to ~~the~~
8 an authorized emergency vehicle or tow truck, absent any other
9 direction by a peace officer, proceed to do one of the following:

10 (1) Make a lane change into an available lane not immediately
11 adjacent to the authorized emergency vehicle or tow truck with
12 due regard for safety and traffic conditions, if practicable and not
13 prohibited by law.

14 (2) If the maneuver described in paragraph (1) would be unsafe
15 or impracticable, slow to a reasonable and prudent speed that is
16 safe for existing weather, road, and vehicular or pedestrian traffic
17 conditions.

18 (b) A violation of subdivision (a) is an infraction, punishable
19 by a fine of not more than fifty dollars (\$50).

20 SEC. 2. Section 25253 of the Vehicle Code, as amended by
21 Section 3 of Chapter 375 of the Statutes of 2006, is amended to
22 read:

23 25253. (a) Tow trucks used to tow disabled vehicles shall be
24 equipped with flashing amber warning lamps. This subdivision
25 does not apply to a tractor-trailer combination.

26 (b) Tow trucks may display flashing amber warning lamps while
27 providing service to a disabled vehicle. A flashing amber warning

1 lamp upon a tow truck may be displayed to the rear when the tow
2 truck is towing a vehicle and moving at a speed slower than the
3 normal flow of traffic.

4 (c) A tow truck shall not display flashing amber warning lamps
5 on a freeway except when an unusual traffic hazard or extreme
6 hazard exists.

7 SEC. 3. Section 25253 of the Vehicle Code, as added by
8 Section 4 of Chapter 375 of the Statutes of 2006, is repealed.

9 SEC. 4. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.